

REMARKS

The outstanding issues in the instant application are as follows:

- Claims 4 and 5 are objected to for informalities;
- Claim 4 is objected to under 37 C.F.R. § 1.75(c); and
- Claims 1 – 20 are rejected under 35 U.S.C. § 102(b).

Applicant hereby traverses the outstanding objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 1 – 20 are pending in this application.

I. CLAIM OBJECTIONS***A. Claim 5***

The Examiner objected to claim 5 for informalities. Specifically, claim 5 includes a typographical error in that “ethnic” was incorrectly written as “ethic.” Applicant has amended claim 5 to correct the typographical error. No new matter was added. As this amendment addresses the recited informalities, Applicant respectfully requests the withdrawal of the objection of record with regard to claim 5.

B. Claim 4

The Examiner objected to claim 4 for formalities under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner contends that language from the specification at page 4, lines 5 – 16, limits the definition of the “client application” to a software application, but not to a “host application” such as an Internet Website or a data network. Applicant traverses the Examiner’s objection in consideration of the language in the specification, including language not cited by the Examiner.

The cited selection from the specification states:

The present invention is directed to a system and method for providing a dynamic language and culture interface protocol to facilitate the presentation of a culture-specific interface to a user. In the preferred embodiment, a cultural interface protocol application that can be used on a computer system is disclosed comprising a user profile that defines particular cultural attributes

and that is stored in the computer's memory. A protocol interface within the protocol application allows the application to communicate and interface with any compatible host or client application. An algorithm within the application determines certain ones of the cultural attributes in the user profile to communicate to the host or client application. Once the appropriate cultural attributes have been communicated to the client application, it is configured specifically according to those particular cultural attributes. Thus, the host or client application may be customized according to the culture of the protocol application user's specific cultural makeup.

Applicant does not find the same restriction on the phrase "client application" as the Examiner finds in this passage.

In fact, on page 8, lines 1 – 2, the specification provides, "provide a depth of information regarding the user that can preferably be used with compatible *client applications, such as other computer programs or Internet websites.*" (Emphasis added.) The specification further provides, on page 9, lines 24 – 26, "The cultural interface protocol *operates with other applications or websites.* Therefore, the cultural protocol preferably interfaces with *such client application* in step 401." (Emphasis added.) Clearly, the specification defines that a client application may be a software application, an Internet Website, or a data network. It is well known that the Internet is a specific application of a data network. Therefore, claim 4, which provides a limitation that the "client application comprises one of: a software application, an Internet website; and a data network" does not broaden claim 1, but rather further limits claim 1 to one of the specifically listed applications. As Applicant believes claim 4 to further limit the scope of claim 1, Applicant respectfully requests the withdrawal of the objection of record with regard to claim 1.

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1 – 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,835,768 to Miller (hereinafter *Miller*).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, *citing In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with

respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, *citing Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

A. Claims 1 – 10

Claim 1 requires, “a user profile stored in a memory of said computer system for defining cultural attributes.” In his rejection, the Examiner asserts that the claimed “user profile” corresponds to either a “locale” or a “locale object” as disclosed in *Miller*. The Examiner further asserts that the claimed “memory” corresponds to the “locale source” disclosed in *Miller*. Therefore, the Examiner is asserting that *Miller* teaches that either a locale or locale object is stored in the locale source of a computer system for defining cultural attributes.

According to the teachings of *Miller*, a “locale” is the collective name given to the six locale categories of the IEEE Standards 1003.2 and 1003.2a locale model standard. Col. 1, lns 53 – 57 and Col. 5, lns 25 – 26. Moreover, a “locale object” is the compiled object code that provides system-specific formatting instructions for the presentation of any data processed by an application. Col. 5, lns 56 – 61 and Col. 6, lns 52 – 60. The Examiner cites to column 5, lines 43 – 55 to support his assertion with regard to this limitation of claim 1, which states, in part, that “local source 20 is a library of files each containing the source code required to implement a locale available for selection by the user.” Col. 5, lns 43 – 45. According to these teachings from *Miller*, the locale source does not store locales nor does it store locale objects. Instead, it stores all of the source code required to implement any of the available locales that a user can select. Therefore, the claimed “user profile” of claim 1 cannot correspond to either the “locale” or “locale object” of *Miller*, nor can the claimed memory correspond to the locale source. Thus, *Miller* does not teach each and every limitation of claim 1.

Claims 2 – 10 depend directly or indirectly from base claim 1, and thus inherit all limitations of claim 1. Based on this dependence, each of claims 2 – 10 sets forth features and limitations not recited by *Miller*. Thus, Applicant respectfully asserts that, for the above

reasons, claims 1 – 10 are patentable over the 35 U.S.C. § 102 rejection of record. Moreover, the dependent claims recite additional novel and non-obvious limitations not present in the art of record.

For example, claim 3 further requires, “user language preferences compris[ing]: a list of languages ranked according to user preference.” In rejecting claim 3, the Examiner cites to sections of *Miller* that describe a user’s ability to change a locale category (Col. 8, Ins 60 – 65) or the use of a pop-stack to store locale categories or locales that have previously been entered (Col. 9, Ins 11 – 38). However, neither of these selections nor any other teaching in *Miller* states or suggests that any of the locales or locale categories, representing language preferences, are stored in a list of languages ranked according to user preference. The ability of a user to change locales is not a list of languages ranked according to user preference. Similarly, the storage of previously entered locales or locale categories is not a list of languages ranked according to user preference. Therefore, *Miller* does not teach or suggest the limitations of claim 3. Claim 3 is, thus, patentable over the 35 U.S.C. § 102 rejection of record.

As another example, claim 6 requires that the “algorithm determines said ones of said cultural attributes using configuration parameters communicated from said client application.” The Examiner attempts to support his rejection of claim 6 by citing to *Miller*’s description of how the setlocale 40 function accesses the formatting object for the application. Col. 6, Ins 52 – 60. However, *Miller* admits that the application is incapable of any management of the environmental settings. Col. 6, Ins 48 – 51. *Miller* states that “the application is only required to call setlocale 40.” Col. 6, Ins 50 – 51. Therefore, *Miller* specifically teaches that the application cannot send anything except a call to the setlocale function. Thus, *Miller* does not teach or even suggest that the application communicates configuration parameters. Applicant asserts that claim 6 is also patentable over the 35 U.S.C. § 102 rejection of record.

As yet another example, claim 1 defines “a cultural interface protocol application for use on a computer system.” Claim 10 requires “an installer for installing said protocol application onto said computer system.” Therefore, claim 10 requires an installer for installing the claimed cultural interface protocol application onto the computer system that it

is intended to operate. The Examiner attempts to support his rejection of claim 10 by citing to *Miller*'s teachings of the loading of the particular locales into the locale system. This teaching of *Miller* does not teach the limitation of claim 10. There is no teaching or suggestion in *Miller* of an installer that installs the locale system onto any computer system. Therefore, *Miller* does not teach or suggest all of the limitations of claim 10. For the above reasons, claim 10 is also patentable over the 35 U.S.C. § 102 rejection of record.

B. Claims 11 – 15

Claim 11 has been amended to require, “entering user ethnicity objects into a cultural user profile, said cultural user profile for defining at least one of: a user location; a language preferred by said user; and a dialect of said language preferred by said user.” Support for this amendment may be found, at least, at page 7, lines 9 – 14. The Examiner states that this limitation is taught in *Miller* with the locale source library. However, as stated above, the locale source “is a library of files each containing the source code required to implement a locale available for selection by the user.” Col. 5, lns 43 – 45. Thus, the locale source is a library of source code that supports the locales that users may select. This library is not a cultural user profile as that term is defined in the specification or required in the amended claim. According to the specification, a user's cultural profile determines “the person's location, but also identif[ies] the language and preferably even the dialect with which to interface or interact with the user.” The user ethnicity objects are placed in this cultural user profile to establish these user selections. The locale source of *Miller* is a library of the source code for the locales that are available for selection by the users. Therefore, in *Miller*, the locale source does not include the user's selected ethnicity objects, but instead includes all of the source code for the locales that may be selected by the user. Thus, *Miller* does not teach or even suggest all of the limitations of claim 11, as amended.

Claim 11 further requires, “analyzing available graphical user interface (GUI) parameters of said client application.” The Examiner asserts that *Miller* teaches this limitation in its discussion of the processing of the source code of the available locales into their object code counterparts that contain the actual formatting instructions that the application is able to use. Col. 5, lns 52 – 60. However, this selection from *Miller* does not address any activities with the application. *Miller* does describe interaction with the

application beginning at Column 5, line 62. *Miller* describes that when the user changes locales in the application, the application calls a function, the setlocale function, that is a part of the operating system. Col. 5, ln 62 – Col. 6, ln 9. The application passes the user-selected locale to the setlocale function, which handles the access to the selected locale. Col. 5, ln 62 – Col. 6, ln 9. There is no description or suggestion that any GUI parameters of the application are analyzed. In *Miller*, the application simply takes the change entered by the user and passes that change to the operating system. Therefore, *Miller* does not teach or even suggest each of the limitations of claim 11, as amended.

Claims 12 – 15 depend directly or indirectly from base claim 11, and thus inherit all limitations of claim 11. Based on this dependence, each of claims 12 – 15 sets forth features and limitations not recited by *Miller*. Thus, Applicant respectfully asserts that, for the above reasons, claims 11 – 15 are patentable over the 35 U.S.C. § 102 rejection of record. Moreover, the dependent claims recite additional novel and non-obvious limitations not present in the art of record.

For example, claim 12 further requires, “entering a set of languages preferred by said user.” In rejecting claim 12, the Examiner states that one of the locale categories defined by the IEEE Standards 1003.2 and 1003.2a locale model standard teaches this limitation. The Examiner states that the LC_CTYPE category, which “specifies the character attributes and mappings,” teaches “entering a set of languages preferred by said user.” However, this locale category specifies only a single character set with which to represent a particular language. There is no teaching in this locale category, or anywhere else in *Miller*, that describes or even suggests that a set of languages that are preferred by a user are entered. Therefore, *Miller* does not teach or suggest the limitations of claim 12. Claim 12 is, thus, patentable over the 35 U.S.C. § 102 rejection of record.

C. Claims 16 – 19

Claim 16 requires, “means for creating a cultural user profile using said user ethnicity objects.” As with his rejection of claim 11, the Examiner asserts that this limitation is taught in *Miller* with the locale source library. As stated above, the locale source library does not

store the user's ethnicity objects. Therefore, *Miller* does not teach or even suggest each of the limitations of claim 16.

Claim 16 further requires, "means for determining variable graphical user interface (GUI) parameters of said client application." The Examiner re-asserts his position with regard to claim 11 that *Miller* teaches this limitation in its discussion of the processing of the source code of the available locales into their object code counterparts that contain the actual formatting instructions that the application is able to use. Col. 5, lns 52 – 60. However, as noted above, this teaching from *Miller* does not discuss determining variable GUI parameters of the application. In fact, *Miller* teaches that the user's selected locale change is only passed by the application to the setlocale function of the operating system. Thus, *Miller* does not teach or even suggest each of the limitations of claim 16.

Claims 17 – 19 depend directly or indirectly from base claim 16, and thus inherit all limitations of claim 16. Based on this dependence, each of claims 17 – 19 sets forth features and limitations not recited by *Miller*. Thus, Applicant respectfully asserts that, for the above reasons, claims 16 – 19 are patentable over the 35 U.S.C. § 102 rejection of record. Moreover, the dependent claims recite additional novel and non-obvious limitations not present in the art of record.

For example, claim 17 further requires, "means for entering a set of languages preferred by said user." In rejecting claim 17, the Examiner re-states his rejection from claim 12, that the LC_CTYPE locale category, which "specifies the character attributes and mappings," teaches "entering a set of languages preferred by said user." However, as noted above, this locale category, nor anywhere else in *Miller*, describes or even suggests that a set of languages that are preferred by a user are entered. Therefore, *Miller* does not teach or suggest the limitations of claim 17. Claim 17 is, thus, patentable over the 35 U.S.C. § 102 rejection of record.

D. Claim 20

Claim 20 requires, "a cultural profile of user specific cultural objects said objects comprising." As with his rejection of claims 11 and 16, the Examiner asserts that this limitation is taught in *Miller* with the locale source library. However, as stated above, the

locale source library does not store the user specific cultural objects. Claim 20 further requires, “a list of languages preferred by said user.” In rejecting claim 20, the Examiner re-states his rejections from claims 12 and 17, that the LC_CTYPE locale category, which “specifies the character attributes and mappings,” teaches “a list of languages preferred by said user.” However, as noted above, this locale category, nor anywhere else in *Miller*, describes or even suggests that a list of languages that are preferred by a user are entered.

Claim 20 also requires, “a host interface analyzer for determining ones of graphical user interface parameters of said client application which are variable according to ones of said user specific cultural objects.” The Examiner re-asserts his position with regard to claim 11 and 16 that *Miller* teaches this limitation in its discussion of the processing of the source code of the available locales into their object code counterparts that contain the actual formatting instructions that the application is able to use. Col. 5, lns 52 – 60. However, as noted above, this teaching from *Miller* does not discuss determining variable GUI parameters of the application. In fact, *Miller* teaches that the user’s selected locale change is only passed by the application to the setlocale function of the operating system.

Based on these reasons, Applicant asserts that *Miller* does not teach or suggest the limitations of claim 20. Claim 20 is, thus, patentable over the 35 U.S.C. § 102 rejection of record.

III. CONCLUSION

In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10004847-1 from which the undersigned is authorized to draw.


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